



APPLICATION FOR ADMINISTRATIVE APPROVAL OF A REDUCTION IN MINIMUM YARD REQUIREMENTS FOR EXISTING SINGLE FAMILY HOMES PURSUANT TO SEC. 24.3 OR SEC. 24.4.1

I (we) hereby request that the Zoning Administrator approve a reduction in the minimum yard requirements for construction _____ (*describe*) as depicted on drawings dated _____ and prepared by _____ for property at _____ (*address*) in the _____ (*subdivision/lot*) that does not comply with current minimum by-right setback requirements but that does meet the requirements as set forth in the zoning ordinance for an administrative reduction.

To support this request, please attach the a diagram or photos of the proposed construction activity and other applicable required information as described below, indicating compliance with required standards:

1. Date of Construction of Existing Single-Family Home (Certificate of Occupancy date): _____
2. Survey depicting as-built condition of property, within six months of submission of this request. (*Attach*)
3. For approval of vertical addition pursuant to Sec. 24.3, please affirm the following by checking or filling in information required:
Side yard equal to or greater than eight feet _____
Front and rear yards greater than or equal to fifteen feet _____
Maximum building height in zoning district: _____ Height of proposed structure _____
Vertical addition over existing building footprint, exclusive of uncovered decks? _____
Vertical deck addition over existing decks in same or lesser footprint? _____
4. For approval of setback reductions for all other construction activities covered under Sec. 24.4.1, please provide the following information and affirmations, as well as evidence of required notices and affidavits:
 - a. The applicant hereby waives the right of appeal of the zoning administrator's decision regarding the application, recognizing the applicant's right to file a special exception with the Board of Adjustment. _____ (initial).
 - b. The applicant has provided notice, by certified mail, to the homeowners' association in the community to which the subject property belongs and to owners of each property abutting to or across the street from the subject property informing them that a request for reduction of minimum yard requirements has been submitted and will be considered by the zoning administrator. If the property abutting to or across the street from the subject property is of condominium ownership, then notification sent to the condominium association shall be sufficient to satisfy this provision. _____ (*submit certified mail receipts and copies of notification letters*)
 - c. For applications concerning residential properties located in neighborhoods with homeowners' association architectural review processes, the applicant shall submit evidence of approval of the requested special exception by the applicable homeowners association. For properties without homeowners' association architectural review processes, the applicant shall submit a notarized affidavit stating that such a process does not exist in the subject community. _____ (*submit approval letter*)
 - d. The zoning administrator may approve a reduction upon finding that the proposal meets the following criteria:
 - (1) The improvement proposed is consistent with the CAMA land use plan _____.
 - (2) The improvement proposed does not increase the footprint of the existing single-family dwelling, nor does it convert structural elements that are not currently under roof (such as open decks) to living space. _____
 - (3) The proposed expansion will not adversely affect adjacent property or the surrounding area. _____
 - (4) The applicant has demonstrated that the proposed improvement cannot reasonably or logically be accommodated elsewhere on the lot (in the case of shared driveways or individual driveways on narrow lot frontages that render the combination of setback and driveway width standards impossible to attain). _____
 - (5) The proposed structural modifications meet sound residential design objectives to:
 - a. Minimize loss of privacy on neighboring properties; _____
 - b. Maximize image of quality residential development to the street frontage _____; and
 - c. Avoid reduction of light and air to neighboring properties _____.

The zoning administrator may impose conditions upon any reduction as deemed necessary in the public interest to secure compliance with the considerations in this section. If the zoning administrator does not approve a reduction, the applicant may file a special exception or variance for consideration by the Board of Adjustment, in accordance with the provisions of this zoning ordinance.

CONDITIONS PRESCRIBED BY ZONING ADMINISTRATOR:

I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information and belief.

Applicant Signature (If other than the Property Owner) Applicant Name (Please Print)

Address Telephone Number(s)

Property Owner Acknowledgement

Owner 1 (Seal) Print Owner 1 Name

Owner 2 (Seal) Print Owner 2 Name

Address of Owner 1 Telephone Number(s)

I, _____, a Notary Public of _____ County and State of _____, certify that the Owner(s) personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this ____ day of _____, 20__.

My Commission Expires: _____ Notary Public

STATE OF _____
COUNTY OF _____

**UPON THE ISSUANCE OF WRITTEN APPROVAL OF THIS REQUEST,
THE LOCATION OF THE BUILDING OR SITE FEATURE SHALL BE DEEMED LAWFUL.**

The Administrative Approval of Reduction in Minimum Yard Requirements may be revoked by the Zoning Administrator upon his/her determination that any misrepresentation has been made on the application.

OFFICE USE ONLY

Zone: _____ RMY NO: _____
Receipt No.: _____ Issued: _____
Received By: _____ FEE: _____

APPROVED BY: _____
ZONING ADMINISTRATOR DATE

Completed application and fee may be mailed to:
Town of Duck, Planning and Zoning Office, P.O. Box 8369, Duck, NC 27949